



*Town of Lexington*

## **PLANNING BOARD**

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Charles Hornig, Chair  
Robert D. Peters, Vice Chair  
Michael Schanbacher, Clerk  
Robert Creech, Member  
Melanie Thompson, Member  
Michael Leon, Associate

### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD TO SPECIAL TOWN MEETING 2021-1**

<b>ARTICLE NUMBER AND TITLE</b>	<b>ARTICLE 14: AMEND ZONING BYLAW – SOLAR ENERGY SYSTEMS</b>
<b>DATES LEGAL NOTICE PUBLISHED IN THE NEWSPAPER</b>	Legal notices were published in the Lexington Minuteman Newspaper on September 2, 2021, and September 9, 2021
<b>DATE PUBLIC HEARING OPENED</b>	September 22, 2021
<b>DATES PUBLIC HEARING CLOSED</b>	September 22, 2021
<b>DATE PLANNING BOARD VOTED ON A RECOMMENDATION TO TOWN MEETING</b>	September 22, 2021
<b>RECOMMENDATION</b>	<b>Approval</b>
<b>PRESENTERS WHO APPEARED DURING THE PUBLIC HEARINGS</b>	Charles Hornig, Member
<b>PLANNING BOARD MEMBERS WHO VOTED ON THE ARTICLE</b>	Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson

#### **RECOMMENDATION**

The Planning Board unanimously recommends that Town Meeting **APPROVE** the motion for Article 14: Zoning Article – Solar Energy Systems.

#### **TOWN MEETING ACTION**

Article 14: Zoning Article – Solar Energy Systems requires a 2/3 vote of Town Meeting.

#### **BACKGROUND**

At Special Town Meeting 2020-2, the Planning Board introduced a new Solar Energy Bylaw that allowed for the installation of Roof-mounted Solar Energy Systems (By-right), Canopy Solar Energy Systems (by Site Plan Review), Small-scale Solar Energy Systems (by Site Plan Review), and Large-scale Solar Energy Systems (by Site Plan Review). Both Small-scale and Large-scale Solar Energy Systems were allowed only within the interior of lots and not within the minimum required yard (setbacks).

During that public hearing process, it was requested that the Planning Board conduct additional research to understand better the impacts of Small-scale and Large-scale Solar Energy System

installation within the minimum required yard (setbacks). Members of the public were concerned with the improper installation close to homes and the removal of mature trees.

Since the 2020 public hearings, the Planning Board has created review requirements for such installations.

- In September 2021, the Planning Board adopted Planning Board Zoning Regulations - Solar Energy Systems with the following provisions:
  - Section 11.1.5: Land clearing, soil erosion, and habitat clearing of natural vegetation and trees shall be limited to the necessary construction, operation, and maintenance of the SES or otherwise prescribed by applicable laws, regulations, and bylaws.
- In October of 2021, the Planning Board adopted Planning Board Zoning Regulations – Site Plan Review and Special Permit Design Regulations, which would apply to such installation. There are many requirements and limitations throughout these regulations outlining the discouragement of tree removal for the installation of Solar Energy Systems.

## DESCRIPTION

The motion under Zoning Article – Solar Energy Systems proposes the following changes:

1. Allow Small-scale Solar Energy Systems to be located within a front, side, or rear minimum required yard (setback) by Site Plan Review (Minor – staff review).
2. Allow Large-scale Solar Energy Systems to be located within a front, side, or rear minimum required yard (setback) by Special Permit (Planning Board).
3. Allow Small-scale Solar Energy Systems to be installed by-right (Building Department) within the property.

Size of SES	Location on Property	Current Zoning	Proposed Zoning
Small (<1500 SF)	Lot interior	Site Plan Review	Building Permit
Small (<1500 SF)	Minimum required yard	Not Permitted	Site Plan Review
Large (>1500 SF)	Lot interior	Site Plan Review	Site Plan Review
Large (>1500 SF)	Minimum required yard	Not Permitted	Special Permit

## PUBLIC HEARING PROCESS

Due to COVID-19, the Planning Board held public hearings for all of its Special Town Meeting 2021-1 Zoning Articles via Zoom. The Planning Board held one (1) public hearing (September 22, 2021). In attendance were Charles Hornig, Chair; Robert Peters, Vice-Chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson as voting members. Michael Leon was also present for the public hearing process as the Associate Member.

Date of Public Hearing	Summary of Public Hearing
<b>September 22, 2021</b>	<p>Charles Hornig, Chair, opened the public hearing and presented a PowerPoint presentation for the proposed Zoning Article – Solar Energy Systems, dated September 20, 2021.</p> <p>The Planning Board requested clarification regarding height and setback information regulated in a different provision of the Zoning Bylaw.</p> <p>Mr. Hornig opened the floor for public comments. Public comments were received and may be reviewed in the meeting minutes of September 22, 2021, or the public hearing can be viewed on LexMedia.</p>

**PLANNING BOARD VOTE**

***Robert Peters moved that the Planning Board recommend approval to the Fall Special Town Meeting for the zoning amendment for Solar Energy Systems in substantially the form as presented. Michael Schanbacher seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Robert Peters – yes; Melanie Thompson – yes; Michael Schanbacher – yes; Charles Hornig – yes; Robert Creech - yes). MOTION PASSED***

Charles Hornig. .... yes

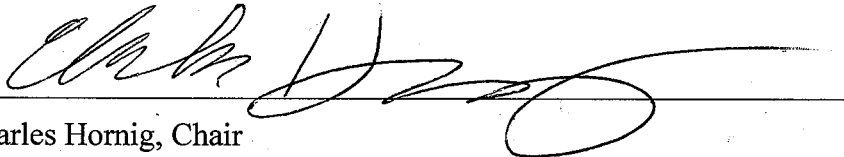
Robert Peters. .... yes

Michael Schanbacher ..... yes

Robert Creech. .... yes

Melanie Thompson. ....yes

**SIGNATURE OF THE PLANNING BOARD**

  
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Charles Hornig, Chair